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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,638	07/08/1999	DANIEL J. SHOFF	MS1-089USC1	6866

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/17/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/349,638

Applicant(s)

SHOFF ET AL.

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 56-74 is/are pending in the application.
- 4a) Of the above claim(s) 58-60 and 68-74 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56,57 and 61-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 56-57, and 61-67 have been considered but are moot in view of the new ground(s) of rejection.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 11/04/2002 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of Patent No. 6,240,555 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 61-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 3 of claims 61, 64-67; the term "the program" lacks of antecedent basis.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 56-57, 61-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Throckmorton et al. (US 5,818,441).

Regarding claim 56, Throckmorton discloses system 34 for receiving and displaying primary data and associated data, comprising:  
Local Data storage;  
receiver 36 receives radio frequency waves from input 50; Receiver 36 demodulates the input signal and supplies the primary data stream signal over data path 52 to primary data rendering sub system 54 for presenting the primary data to the consumer, and the

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associated data signal over data path 56 to associated data decoder 58. The decoder 58 performs the functions of decoding the associated data from the delivery media. Associated data protocol manager 60 is coupled to decoder 58 and communication manager 66. Manager 60 extracts the different forms of associated data from the incoming digital data stream and converting them to a form that can be used by communication manager 66. The types of associated data protocol includes World Wide Web pages, closed captioning, stock quotes, sport scores, control command for microprocessor 38 to execute. Local data manager 84 receives commands from human interface 88 to retrieve associated data from local data storage 80 and send that data to human interface 88 for presentation to the consumer. For example, a "Web Browser" may be used to display data pages from the World Wide Web (the "WWW"). Providers of WWW browsers include Netscape Communication Corp., America Online, Spyglass and others (see figure 3 and col. 6, line 28- col. 8, line 15). Throckmorton further disclose system 34 comprises sub-system 74 for connecting to Internet, online service providers (see figure 4 and col. 8, line 16- col. 9, line 15). Inherently, system 34 comprising:

- a memory;
- a processor programmed to determine whether the video content programs are interactive;
- a tuner to tune to channels carrying the video content programs; and

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an Internet browser stored in the memory, the Internet browser being dynamically loadable for execution on the processor when the tuner is tuned to a channel carrying a video content program that is interactive.

Regarding claim 57, Throckmorton teaches a system as discussed in the rejection of claim 56. Throckmorton further disclose system 34 comprises sub-system 74 to allow a consumer to access online services. Associated data may consist of references such as URL which are WWW page references. Associated data may include references to Internet News Groups which are shared static messages grouped by topic which may be accessed. Associated data may also include references to Internet Relay Chat areas which a multi-person dynamic conversation streams that enable user to communicate by text messages. Or, associated data may include pointers to information on an online service such as America Online or Compuserve. Thus, a menu may list several references. And by clicking on a reference, the system actually connects to and retrieves the referenced information from the appropriate source (see figure 4 and col. 8, line 16- col. 9, line 15). Inherently, an electronic program guide (menu that lists several references) stored in the memory and executable on the processor to organize programming information, the EPG associating a target specifications to a target resources with a video content program; and the Internet browser activating the target resource when the tuner is tuned to the video content program.

Regarding claim 61, Throckmorton discloses a method for transmitting primary data and associated data to system 34 wherein the associated data is a stream of generated separately from the primary data but having content that is relevant to the primary data in general and usually relevant to a particular program of primary data. Associated data is intended to enhance the utility of the primary data stream, but if it is not available, the primary data stream can stand on its own merits (see col. 3, lines 50-67) the system 34 comprising:

Local Data storage;

receiver 36 receives radio frequency waves from input 50; Receiver 36 demodulates the input signal and supplies the primary data stream signal over data path 52 to primary data rendering sub system 54 for presenting the primary data to the consumer, and the associated data signal over data path 56 to associated data decoder 58. The decoder 58 performs the functions of decoding the associated data form the delivery media. Associated data protocol manager 60 is coupled to decoder 58 and communication manager 66. Manager 60 extracts the different forms of associated data from the incoming digital data stream and converting them to a form that can be used by communication manager 66. The types of associated data protocol includes World Wide Web pages, closed captioning, stock quotes, sport scores, control command for microprocessor 38 to execute. Local data manager 84 receives commands from human interface 88 to retrieve associated data from local data storage 80 and send that data to human interface 88 for presentation to the consumer. For example, a "Web Browser" may be used to display data pages from the World Wide Web (the "WWW"). Providers

of WWW browsers include Netscape Communication Corp., America Online, Spyglass and others (see figure 3 and col. 6, line 28- col. 8, line 15). Throckmorton further disclose system 34 comprises sub-system 74 for connecting to Internet, online service providers (see figure 4 and col. 8, line 16- col. 9, line 15). Inherently, the method comprising determining if the program is interactive compatible, where an interactive compatible program is associated with target resources containing data which supports interactive functionality in conjunction with the program, the target resources being located by corresponding target specifications; and in an event that the program is interactive compatible, retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resource in support of interactive functionality for the program.

Regarding claim 62, Throckmorton teaches a method as discussed in the rejection of claim 61. Throckmorton further discloses Communication manager 66 receives data from several different types of communication devices such as telephone modems, ISDN modems, cable modems, wireless modems satellite modems, broadcast TV, radio and the like (see col. 6, line 60- col. 7, line 12); real time trigger 76 accepts commands sent as part of the associated to display a page of information without the user asking for it; and at any time, the consumer may browse the data stored in local data storage. The data will have been selected to provide an enhanced viewing experience. For example, difficult to find data sources providing historical background to a program will have been previously researched by the associated data provider and



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sent as associated data (see col. 7, line 20- col. 8, line 15). Inherently, the target specifications are correlated with the program in a program listing and comprising: checking the program listing to ascertain whether the program is interactive compatible; and determining that the program is interactive compatible by presence of a target specification being associated with the program in the program listing.

Regarding claim 63, the claim limitation is directed toward embody the method of claim 61 in a "computer programmed". It would have been obvious to embody the procedure of Throckmorton discussed with respect to claim 61 in a "computer programmed" in order that the instruction could be automatically performed by a processor.

Regarding claim 64, Throckmorton discloses a method for transmitting primary data and associated data to system 34 wherein the associated data is a stream of generated separately from the primary data but having content that is relevant to the primary data in general and usually relevant to a particular program of primary data. Associated data is intended to enhance the utility of the primary data stream, but if it is not available, the primary data stream can stand on its own merits (see col. 3, lines 50-67) the system 34 comprising:

Local Data storage;

receiver 36 receives radio frequency waves from input 50; Receiver 36 demodulates the input signal and supplies the primary data stream signal over data path 52 to primary

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data rendering sub system 54 for presenting the primary data to the consumer, and the associated data signal over data path 56 to associated data decoder 58. The decoder 58 performs the functions of decoding the associated data from the delivery media. Associated data protocol manager 60 is coupled to decoder 58 and communication manager 66. Manager 60 extracts the different forms of associated data from the incoming digital data stream and converting them to a form that can be used by communication manager 66. The types of associated data protocol includes World Wide Web pages, closed captioning, stock quotes, sport scores, control command for microprocessor 38 to execute. Local data manager 84 receives commands from human interface 88 to retrieve associated data from local data storage 80 and send that data to human interface 88 for presentation to the consumer. For example, a "Web Browser" may be used to display data pages from the World Wide Web (the "WWW"). Providers of WWW browsers include Netscape Communication Corp., America Online, Spyglass and others (see figure 3 and col. 6, line 28- col. 8, line 15). Throckmorton further disclose system 34 comprises sub-system 74 for connecting to Internet, online service providers (see figure 4 and col. 8, line 16- col. 9, line 15). Inherently, the method comprising: determining if the program is interactive compatible by checking a channel separate from the program channel for presence of the supplemental content in conjunction with the program being received on the program channel, where an interactive compatible program is associated with target resources (associated provider) containing data which support interactive functionality in conjunction with the program, the target resource being located by corresponding target specifications; and in an

event that the program is interactive compatible, retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resources in support of interactive functionality for the program.

Regarding claim 65, Regarding claim 61, Throckmorton discloses a method for transmitting primary data and associated data to system 34 wherein the associated data is a stream of generated separately from the primary data but having content that is relevant to the primary data in general and usually relevant to a particular program of primary data. Associated data is intended to enhance the utility of the primary data stream, but if it is not available, the primary data stream can stand on its own merits (see col. 3, lines 50-67) the system 34 comprising:

Local Data storage;

receiver 36 receives radio frequency waves from input 50; Receiver 36 demodulates the input signal and supplies the primary data stream signal over data path 52 to primary data rendering sub system 54 for presenting the primary data to the consumer, and the associated data signal over data path 56 to associated data decoder 58. The decoder 58 performs the functions of decoding the associated data form the delivery media. Associated data protocol manager 60 is coupled to decoder 58 and communication manager 66. Manager 60 extracts the different forms of associated data from the incoming digital data stream and converting them to a form that can be used by communication manager 66. The types of associated data protocol includes World Wide

Web pages, closed captioning, stock quotes, sport scores, control command for microprocessor 38 to execute. Local data manager 84 receives commands from human interface 88 to retrieve associated data from local data storage 80 and send that data to human interface 88 for presentation to the consumer. For example, a "Web Browser" may be used to display data pages from the World Wide Web (the "WWW"). Providers of WWW browsers include Netscape Communication Corp., America Online, Spyglass and others (see figure 3 and col. 6, line 28- col. 8, line 15). Throckmorton further disclose system 34 comprises sub-system 74 to allow a consumer to access online services. associated data may consist of references such as URL which are WWW page references. Associated data may include references to Internet News Groups which are shared static messages grouped by topic which may be accessed.

Associated data may also include references to Internet Relay Chat areas which a multi-person dynamic conversation streams that enable user to communicate by text messages. Or, associated data may include pointers to information on an online service such as America Online or CompuServe. Thus, a menu may list several references. And by clicking on a reference, the system actually connects to and retrieves the referenced information from the appropriate source (see figure 4 and col. 8, line 16- col. 9, line 15). Inherently, the method comprising: determining if the program is interactive compatible, where an interactive compatible program is associated with target resources containing data which support interactive functionality in conjunction with the program, the target resources being located by corresponding target specifications; and displaying an icon to visually inform the viewer that the program is interactive compatible; and in an event

that the program is interactive compatible, retrieving a target specifications associated with the program and launching an Internet browser to activate the target resource in support of interactive functionality for the program.

Regarding claim 66, Throckmorton teaches a method as discussed in the rejection of claim 65, Throckmorton further discloses by clicking on a reference, the system actually connects to and retrieves the referenced information from the appropriate source (see col. 9, lines 12-14). As a result, the interactive supplemental content is displayed in response to the viewer activating the icon (reference).

Regarding claim 67, Throckmorton teaches a system as discussed in the rejection of claim 64. Throckmorton further disclose realtime trigger 76 accepts command sent as part of the associated data to display a page of information without the user asking for it. The output of realtime trigger is a command sent over data path 87 to human interface 88 which causes the page of information to be displayed. For example, a broadcaster may want viewers to see a certain page of information as part of a program that is being viewed (see col. 7, lines 21-29). Inherently, the interactive supplemental content is automatically display together with the interactive compatible program.

7. Claims 56, 61, 64-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrison (US 5,694,163).

Regarding claim 56, Harrison discloses a system for receiving and displaying continuous video content programs wherein the chat TV signal is inserted into a television program TV signal to provide an encoded TV signal. The encoded signal is broadcast over the air waves on a television channel and received by a computer. At the computer, the encoded TV signal is separated into an audio/visual portion and an encoded data portion. The television program is displayed in video window on the computer display screen; and the chat encoded data is displayed in chat room window of the screen. a telephone back channel is provided at a user computer that allows connection to an on-line service provider via the computer modem. If chat text is detected as being typed input at the computer's keyboard, the connection is made by dialing the on line service to initiate participation in the on going chat (see col. 2, line 53-col. 3, line 34). Inherently, the computer comprising:  
a memory; a processor programmed to determine whether the video content programs are interactive; a tuner to tune to channels carrying the video content programs; and an Internet browser stored in the memory, the Internet browser being dynamically loadable for execution on the processor when the tuner is tuned to a channel carrying a video content program that is interactive.

Regarding claims 61, 64, the limitations of the method corresponds to the limitations of the system being claimed in claim 56 and are analyzed as discussed in the rejection of claim 56.

Regarding claim 65, Harrison teaches a method as discussed in the rejection of claim 64. The chat window reads on the "icon" being claimed.

Regarding claim 66, Harrison teaches a method as discussed in the rejection of claim 65. Harrison further discloses the computer is automatically makes a connection to the on-line service if the user choose to participate at some point during the chat session by typing chat text at the computer keyboard (see col. 3, lines 28-34). Inherently, the method comprises displaying the interactive supplemental content in response to the viewer activating the "icon."

Regarding claim 67, Harrison teaches a method as discussed in the rejection of claim 65. Harrison further discloses the viewers who do not desire to participate or do not have the capability of participating in a chat can view the contents of the chat by watching associated data transmitted with the television signal (see col. 3, lines 12-16). Therefore, the method comprises automatically displaying the interactive supplement content together with the interactive compatible program.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schindler et al. (US 5,675,390) teaches home entertainment system combining complex processor capability with a high quality display.

Judson (US 5,572,643) teaches web browser with dynamic display of information objects during linking.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh  
January 8, 2003

  
**ANDREW FAILE**  
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